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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,216	12/26/2001	Robert T. Long SR.	1547520/86600	7380

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Kent A. Herink, Esq.
Suite 2500, The Financial Center
666 Walnut Street
Des Moines, IA 50309

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,216

Applicant(s)

LONG, ROBERT T.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 15,22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Objections

Claims 15, 22, 23 and 24 are objected for failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 15, 22, 23 and 24 are drawn to a connector. However, the claims then recite a sandwich concrete and insulation panel, setting forth a positive relationship between the connector and the panel, appearing to be a combination. Applicant should note that the claims have inconsistent language and are being considered as drawn to the subcombination connector. If it is indicated by amendment that the combination is the intention, the language throughout must be made consistent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-16, 18-20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,454,661 to Litvin et al.

Regarding claim 14, Litvin discloses a connector having an elongated body (fig. 4) with a width (fig. 4: distance between numbers 21 and 21 at each end), a thickness (fig. 4: 20) wherein the width is at least twice the thickness along the length of the connector.

Regarding claim 15, Litvin discloses the connector as capable of transferring forces (abstract, line 6).

Regarding claim 16, Litvin discloses a longitudinal extending flange (fig. 4: 30).

Regarding claim 18, Litvin discloses anchoring surfaces at both ends (fig. 4: 32)

Regarding claim 19, Litvin discloses the connector as capable of transferring tension and compression along the flanges (abstract, line 6).

Regarding claim 20, Litvin discloses a lip (fig. 4: 14) on the body of the connector.

Regarding claim 22, Litvin discloses a connector with a body, a width and a thickness (fig. 4) and opposite anchoring ends (fig. 4: 32) capable of transferring forces (abstract).

Regarding claim 23, Litvin discloses two anchoring surfaces (fig. 4: 32).

Regarding claim 24, Keith discloses the connector as capable of transferring various forces along the connector, since the connector is a unitary piece.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,454,661 to Litvin et al. in view of U.S. Patent No. 4,973,211 to Potucek.

Regarding claim 1, Litvin discloses a connector (fig. 4) having a wide body (fig. 4: 21), opposite first and second ends which are of equal length (fig. 4: see both ends 21) and laterally spaced apart longitudinally extending flanges (fig. 4: 15, 24 & 30). However, Litvin does not disclose the flanges as being interconnected by a web of thinner depth. Potucek discloses a fastener (fig. 15) having longitudinal flanges connected by thinner webs (fig. 16: 99). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Litvin by using webs, as disclosed by Potucek, in order to strengthen the longitudinal flanges.

Regarding claim 2, Litvin discloses the connector as capable of transferring forces (abstract, line 6).

Regarding claim 3, Litvin discloses first and second anchoring surfaces (fig. 5: see 18 & 35 at both halves).

Regarding claim 4, Litvin discloses the connector as capable of transferring tension and compression along the flanges (abstract, line 6).

Regarding claim 5, Litvin discloses an outwardly extending lip (fig. 5: 14).

Regarding claim 6, Litvin discloses the connector as being made of a polymere material (abstract, line 9).

Regarding claim 17, Litvin does not disclose the flanges as being interconnected by a web of thinner depth. Potucek discloses a fastener (fig. 15) having longitudinal flanges connected by thinner webs (fig. 16: 99). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Litvin by using webs, as disclosed by Potucek, in order to strengthen the longitudinal flanges.

Regarding claim 21, Keith discloses the connector as made from a fiber reinforced polymer (abstract, lines 5-6).

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,519,973 to Keith et al. in view of U.S. Patent No. 4,973,211 to Potucek.

Regarding claim 7, Keith discloses a connector for securing insulation between concrete panels sandwiching an insulating layer (column 1, lines 16-23, fig. 6B), wherein the connector has an elongated body with first and second ends, a width, and laterally spaced apart longitudinally extending flanges (fig. 5: 60). However, Keith does not disclose the flanges as being connected by a web. Potucek discloses an elongated connector having longitudinal flanges (fig. 15) having the longitudinal flanges connected together by a thinner web (fig. 16: 99). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Keith by adding the

thinner webs disclosed by Potucek in order to strengthen the longitudinal flanges from deformation or breaking.

Regarding claim 8, Keith discloses the connector as tying together both concrete panels (fig. 6B), therefore transferring forces between the two panels.

Regarding claim 9, Keith in view of Potucek discloses external portions (Keith fig. 6: 60) and webs (Potucek fig. 16: 99) as extending along the length of the connector.

Regarding claim 10, Keith discloses anchoring surfaces (fig. 1: 22 & 28) adjacent each end.

Regarding claim 11, Keith discloses the connector as capable of transferring tension and compression along the external portions of the connector, since the connector is a unitary piece.

Regarding claim 12, Keith discloses a central region (fig. 5: approximate central region of connector, where 60 points) having lips (fig. 5: 64) which extend outward.

Regarding claim 13, Keith discloses the connector as made from a fiber reinforced polymer (abstract, lines 5-6).

Response to Arguments

Applicant's arguments filed 2/9/04 are moot under new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to connectors in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK

5/19/04


Basil Katcheves

Examiner AU 3635